

1 STUART F. DELERY
 2 Principal Deputy Assistant Attorney General

3 MELINDA HAAG (CABN 132612)
 4 United States Attorney
 5 ALEX G. TSE (CABN 152348)
 6 Chief, Civil Division
 7 SARA WINSLOW (DCBN 457643)
 8 MELANIE L. PROCTOR (CABN 228971)
 Assistant United States Attorneys
 9 450 Golden Gate Avenue, Box 36055
 10 San Francisco, California 94102
 11 Telephone: (415) 436-6925
 12 Facsimile: (415) 436-6748
 13 e-mail: sara.winslow@usdoj.gov

14 MICHAEL GRANSTON
 15 RENÉE BROOKER
 16 ALAN S. GALE
 U.S. Department of Justice
 17 P.O. Box 261
 Ben Franklin Station
 18 Washington, D.C. 20044
 Telephone: (202) 307-6296
 e-mail: alan.gale@usdoj.gov

19 Attorneys for the United States of America

20 **UNITED STATES DISTRICT COURT**
 21 **NORTHERN DISTRICT OF CALIFORNIA**
 22 **SAN FRANCISCO DIVISION**

23 UNITED STATES *ex rel.* BONNIE LAMMERS,) No. CV 08-3411 WHA
 24 M.D.,)
 Plaintiff and Relator,) **STIPULATION FOR LEAVE TO FILE**
 v.) **UNITED STATES' FIRST AMENDED**
 25 FARIDEH HEIDAPOUR; ALI HEIDAPOUR;) **COMPLAINT; [PROPOSED] ORDER**
 26 and A.B.C. BILLING, INC.)
 Defendants.)

27 Subject to the Court's approval, IT IS HEREBY STIPULATED AND AGREED by the

28 Parties, through their undersigned counsel of record, that:

1. This case was originally filed in 2008 by Bonnie Lammers, M.D., as *qui tam* relator
 under the False Claims Act (FCA), 31 U.S.C. §§ 3729-33. The *qui tam* provisions of the FCA

1 authorize private parties (known as relators) to file lawsuits alleging FCA violations on behalf of
2 the United States. 31 U.S.C. § 3730(b).

3 2. The United States intervened in this action on October 31, 2011 (Dkt No. 19) and filed
4 its complaint on May 15, 2012 (Dkt No. 28). Defendants filed their answer on December 14,
5 2012 (Dkt. No. 59).

6 3. During the United States' investigation of this case, the government had a medical
7 record review conducted on a sample of the patient records at issue in this case.

8 4. In 2012, the Advanced Clinics (which were originally named as Defendants in this
9 action, and were dismissed in August 2012 pursuant to a settlement agreement) notified
10 government counsel that they had failed to produce certain medical records responsive to a
11 subpoena the United States served on them in 2008 in connection with the related criminal
12 investigation pending in the Western District of Oklahoma. After obtaining those records, the
13 government had further review conducted.

14 5. Based on this further review, the United States has revised its damages calculations
15 downward (from approximately \$7.9 million to approximately \$6.5 million).

16 6. Pursuant to Fed. R. Civ. P. 15(a) and the Court's Case Management Order dated
17 November 30, 2012 (Dkt. No. 57) (setting February 28, 2013 as the last date to seek leave to add
18 any new parties or pleading amendments), the United States now seeks leave to file the attached
19 First Amended Complaint, which reflects the updated damages calculation. Revisions have been
20 made to Paragraphs 21-25, 27-29, and 31. Relator and Defendants concur in this request.

21 IT IS SO STIPULATED.

22 //

23 //

24 //

25 //

26 //

27 //

28 //

Respectfully submitted,

STUART F. DELERY,
Principal Deputy Assistant Attorney General

MELINDA HAAG
United States Attorney

Dated: February 28, 2013 By: /s/ signature on file
SARA WINSLOW
MELANIE L. PROCTOR
Assistant United States Attorneys

Dated: February 28, 2013 By: /s/ signature on file
MICHAEL GRANSTON
RENEE BROOKER
ALAN GALE
Civil Division, U.S. Department of Justice
Attorneys for the United States

MCBREEN & SENIOR

Dated: February 28, 2013 By: /s/ signature on file
MATTHEW WESTON
Attorney for Relator

ROGERS JOSEPH O'DONNELL

Dated: February 28, 2013 By: */s/ signature on file*
ALLAN J. JOSEPH
PATRICIA A. MEAGHER
Attorneys for Defendant

~~PROPOSED~~ ORDER

Pursuant to stipulation, and for good cause shown, the United States' request for leave to file an amended complaint is hereby granted. The clerk is directed to file the United States' First Amended Complaint as of the date this Order is entered. Defendants' Answer or other response to the First Amended Complaint is due within 14 days of the date this Order is entered and served on Defendants, pursuant to Fed. R. Civ. P. 15(a)(3).

IT IS SO ORDERED.

Dated: March 11, 2013.


HON. WILLIAM ALSUP
United States District Judge